UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,967	03/30/2001	Gabriel G. Montero	RSW9-2001-0062-US1	8303

7590 10/19/2005

Theodore Naccarella
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER	
TRUONG, CAMQUY	

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,967	MONTERO ET AL.	
	Examiner	Art Unit	
	Camquy Truong	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 are presented for examination.

2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

i. As to claims 4, 19 and 33, it is not clearly indicated whether " an Httpsession object" refers to "an HttpSession" in claim 2, lines 1-2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-11, 13-25, 27-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (U.S. Patent 6,715,082 B1) in view of Applicant Admitted Prior Art (AAPA).

7. As to claim 1, Chang teaches the invention substantially as claimed including: a method of maintaining http session data in a server system serving a network, said server system including at least one network server (col. 3, lines 24-34), said method comprising the steps of:

(1) storing in a database session data for a plurality of sessions serviced by said at least one server (col. 8, line 2 – col. 11, line 15);

(2) performing contemporaneous time out testing of particular session data for one of plurality of sessions every time a request is received for said particular session data prior to utilizing said particular session data (col. 3, lines 24-34; col. 6, lines 29 – 51; col. 11, lines 20 – 27) and not invalidating said particular session data in said database even if said contemporaneous testing has indicated that the corresponding session has timed out (col. 11, lines 43-49).

8. Chang does not explicitly teach performing an invalidation procedure on said session data for all of said sessions at a particular time that is independent when any of

said sessions time out. However, AAPA teaches performing an invalidation procedure on said session data in said database at a particular time that is independent of when said contemporaneous testing is performed (page. 7, lines 16-20; page 7, line 22-page 8, lines 4; page 8, lines 8-10).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chang and AAPA because AAPA's teaches performing an invalidation procedure on said session data in said database at a particular time that is independent of when said contemporaneous testing is performed would improve the efficiency of Chang's system by providing the step of performing an invalidation procedure on said session data in said database at a particular time that is independent of when said contemporaneous testing is performed to avoid invalidating http session data in a back-end database during periods of high traffic.

10. As to claim 2, AAPA teaches HttpSession object of a Java servlet application program interface (API) (page 5, lines 16-17).

11. As to claim 3, AAPA teaches Java servlet APIs are J2EE servlet API (page 5, line 21-22).

12. As to claims 4-5, AAPA teaches:

(1.1) Creating an HttpSession object for session upon initiation of said session (page 5, lines 16-17) and storing said HttpSession object in a memory local to a particular one of said JVMs (page 7, lines 1-2);

(1.2) Writing a copy of said HttpSession object for each session stored in said local memory to said database upon said creation (page 7, lines 7-8);

(1.3) Updating said HttpSession object for each said http session in said local memory as said session progresses (page 7, lines 5-6);

(1.4) Updating said copy of said corresponding HttpSession object in said database as said session progresses (page 7, lines 5-6).

13. As to claim 6, AAPA teaches a plurality of Java Virtual Machines (JVMs) of which different ones of said JVMs may service different http requests corresponding to a single http session (page 5, lines 3-5) and wherein said database is accessible to each of said JVMs (page 6, lines 9-10).

14. As to claim 7, it is rejected for the same reason as claims 4-5.

15. As to claim 8, it is rejected for the same reason as claim 6.

16. As to claim 9, AAPA teaches server system services the World Wide web (page 1, lines 1-2).

17. As to claim 10, AAPA teaches particular time is a function of a periodic interval (page 8, lines 1-10).

18. As to claim 11, AAPA teaches periodic interval is a day and said particular time is a time of day (page 8, lines 10-15).

19. As to claim 13, AAPA teaches:

Determining a volume of network traffic involving said server system (page 8,lines 18-20); and particular time is a function of said determined load (page 8, lines 18-20) and a predetermined interval (page 8, lines 10-15).

20. As to claim 14, AAPA teaches invalidation procedure comprises invalidating all of said sessions stored in said database at particular time (page 8, lines 8-10).

21. As to claim 15, AAPA teaches:

(3.1) For each session in said database, determining if said session has timed out (page 8, lines 8-10); and

(3.2) For each session that has time out, invalidating the corresponding session data in database (page 7, lines 11-21; page 8, lines 8-10).

22. As to claim 16, it is rejected for the same reason as claim 1. In addition, AAPA teaches:

A network server (page 3, line 13); and

A memory (page 7, lines 1-2).

23. As to claim 17, it is rejected for the same reason as claim 2.

24. As to claim 18, it is rejected for the same reason as claim 3.

25. As to claim 19, it is rejected for the same reason as claims 4-5.

26. As to claim 20, it is rejected for the same reason as claim 6.

27. As to claims 21-22, it is rejected for the same reason as claims 4-5.

28. As to claim 23, it is rejected for the same reason as claim 9.

29. As to claim 24, it is rejected for the same reason as claim 10.

30. As to claim 25, it is rejected for the same reason as claim 11.

31. As to claim 27, it is rejected for the same reason as claim 13.

32. As to claims 28, it is rejected for the same reason as claim 10.

33. As to claim 29, it is rejected for the same reason as claim 14.

34. As to claim 30, it is rejected for the same reason as claim 15.

35. As to claim 31, it is rejected for the same reason as claim 1. In addition, AAPA teaches maintaining HttpSession objects in a server system (page 4, line 14-16), network servers running a plurality of Java Virtual Machines (JVMs) (page 5, lines 3-4).

36. As to claim 32, it is rejected for the same reason as claim 3.

37. As to claim 33, it is rejected for the same reason as claims 4-5.

38. As to claim 34, it is rejected for the same reason as claim 10.

39. As to claim 36, it is rejected for the same reason as claim 13.

40. As to claim 37, it is rejected for the same reason as claim 14.

41. As to claim 38, it is rejected for the same reason as claim 15.

42. Claims 12, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (U.S. Patent 6,715,082 B1) in view of Applicant Admitted Prior Art

(AAPA), as applied as claims 1, 16 and 31 above, and further in view of Cidon et al (U.S. Patent 6,269,330 B1).

43. As to claims 12, 26 and 35, Chang and AAPA do not explicitly teach that determining a volume of network traffic involving said server system and wherein said particular time is a function of said network traffic involving said server system. However, Cidon teaches that determining a volume of network traffic involving said server system (col. 6, lines 15-18) and wherein said particular time is a function of said network traffic involving said server system (col. 6, lines 18-26).

44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chang and AAPA and Cidon because Cindon's determining a volume of network traffic involving said server system and wherein said particular time is a function of said network traffic involving said server system would improve the efficiency of Chang and AAPA's system by providing step of determining a volume of network traffic and particular time is a function of said network traffic involving to improve the evaluation of the performance of communication networks.

Conclusion

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

October 11, 2005

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100